

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 06-3114-01-CR-S-GAF  
)  
DEAN P. PROFFITT, )  
)  
Defendant. )

Now pending before the Court is Defendant's Motion to Dismiss the Indictment (Doc. #124), Motion to Strike Paragraph 20 from the Indictment (Doc. #126), and Motion to Dismiss the Indictment or to Preclude Reading the Indictment or to Strike Paragraphs 2-33 (including part of Paragraph 18), 35, and 36 (Doc. #131).

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

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s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 25, 2007